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FM AMEMBASSY BEIRUT

TO RUEHC/SECSTATE WASHDC IMMEDIATE 1634  
INFO RUEHEE/ARAB LEAGUE COLLECTIVE PRIORITY  
RUEHROV/AMEMBASSY VATICAN PRIORITY 1186  
RHMFIASS/HQ USEUCOM VAIHINGEN GE PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2178  
RUEHNO/USMISSION USNATO PRIORITY 2468  
RHEHNSC/NSC WASHDC PRIORITY  
RHMFIASS/CDR USCENTCOM MACDILL AFB FL PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BEIRUT 000561

SIPDIS

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DEPT FOR NEA/FO, NEA/ELA, NEA/IPA, PRM/FO, AND PM/FO  
NSC FOR ABRAMS/SINGH/YERGER  
TREASURY FOR U/S LEVEY  
DEPT PASS TO EU MEMBER STATES COLLECTIVE

E.O. 12958: DECL: 04/22/2018

TAGS: PGOV PHUM PINR KJUS MASS IR AR SY IS LE  
SUBJECT: LEBANON: JUSTICE MINISTER AGAIN PUSHES FOR  
PROSECUTOR TO ALLEVIATE PRESSURE ON LEBANESE JUDGES

REF: A. USUN 329

¶B. BEIRUT 547

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Classified By: CDA Michele J. Sison for reasons section  
1.4 (b) and (d).

SUMMARY

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¶1. (C) Justice Minister Charles Rizk reiterated his urgent appeal for UNIIIC Commissioner Daniel Bellemare to assume his role as Prosecutor, clarifying that he was not calling for "dual-hatting." Citing recent intimidation aimed against one of the Lebanese judges working with UNIIIC, Rizk stressed the need to alleviate the mounting pressure on the Lebanese prosecutors, and again blasted Bellemare for not telling the UN Security Council that UNIIIC supported the continuing detention of the four generals. Rizk also confided that Bellemare, in private discussions, had said he did not have a case. Rizk's campaign to have Bellemare appointed Prosecutor, therefore, appears to be as much about alleviating the pressure on the Lebanese judges as it is increasing the pressure on Bellemare to issue indictments.  
End summary.

¶2. (C) The Charge, accompanied by Pol/Econ Chief, met with Justice Minister Charles Rizk at his home in Ashrafieh on April 23. Rizk opened the meeting stating that he was "horrified" by the April 20 attack on the house of the President of the Court of Cassation Ralph Riachi, one of the two Lebanese judges working with UNIIIC. Noting that the vandals did not steal anything, Rizk labeled the incident as "unexpected" and a clear attempt to intimidate Riachi.

¶3. (C) Rizk said he had a long discussion with UN Legal Counsel Nicola Michel who, as expected, praised Bellemare as a "respected gentleman." However, what Bellemare had at the UN about the four generals was unacceptable by trying to put the blame on Lebanese authorities for their detainment, Rizk complained, especially when it was done at the recommendation of then UNIIIC Commissioner Detlev Mehlis.

TIME FOR BELLEMARE TO CHANGE HATS

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¶4. (C) Bellemare must agree to change hats and become the prosecutor immediately, Rizk continued. If he doesn't, "he has a problem and I have a problem." The Lebanese prosecutors are "totally desperate," Rizk explained, and we need to remove some of the weight from their shoulders and progressively move it to Bellemare. Bellemare has more information on the cases than the Lebanese prosecutors do, he argued.

¶5. (C) Rizk, noting he was having lunch with the Russian Ambassador the following day, did not know why the Russians opposed having the Commissioner and Prosecutor functioning in parallel (Ref A). However, he clarified that his view was that Bellemare should not wear both hats, but instead should change hats. Appointing the Prosecutor did not mean the Special Tribunal also needed to begin; rather, UNIIIC's mandate should be extended, Bellemare should become the prosecutor, and the Tribunal could start when it is ready to start.

¶6. (C) However, the problem was getting PM Siniiora to move on the issue. (Note: As Rizk explained the process, Siniiora must address his request for UNIIIC's extension to the UN Security Council, while his request to appoint Bellemare as Prosecutor would go directly to the UN Secretary General. Rizk intentionally leaked his draft letter, Ref B, to the press to pressure Siniiora to move forward on these issues. End note.)

COMMENT  
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¶7. (C) Rizk confided that Bellemare had told him privately that he had no case. Based on our two meetings with Bellemare, in which he appeared very confident and

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determined, this does not strike us Bellemare's style. Rizk clearly is not happy with Bellemare's performance thus far, continually comparing him (unfavorably) to Mehlis, attacking him for what he failed to say at the UNSC, etc. However, Rizk perhaps is a victim of expectations he himself set too high; for months he has been brandishing the Special Tribunal as the only "big stick" capable of threatening the Syrians, even stating that he expected indictments to occur this summer. While we have continuously tried to temper these expectations, Rizk continues to exert the maximum pressure to speed things up.

¶8. (C) That said, the release of the four generals would be an immediate and severe blow not only to the GOL but to public confidence in the Tribunal, specifically, and in the international community's support for Lebanon in general. More forward-leaning remarks on this issue by Bellemare or Michel would help, and we will address this with Bellemare when he returns to Lebanon in early May.

¶9. (C) We leave the question of which hat Bellemare wears when to the legal experts, but our view is that Rizk's suggestion is not incompatible with the extension of UNIIIC's mandate in terms of timing: Siniiora should first send his request to the UNSC for the UNIIIC extension, before a decision is made on when and whether Bellemare should change hats. End comment.

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